

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-3-E – ORDER NO. 2006-479
AUGUST 30, 2006

IN RE: Duke Power Company, LLC – Annual) ORDER GRANTING
Review of Base Rates for Fuel Costs) REQUEST FOR
) CONFIDENTIAL
) TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Office of Regulatory Staff (ORS) for an order from this Commission to treat material filed in this docket as confidential. ORS requests confidential treatment of the ORS’ unredacted Fuel Study for Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC (Duke Energy Carolinas) filed with the Commission on July 31, 2006, pursuant to the Settlement Agreement in this proceeding approved in Order No. 2005-488. According to ORS, the unredacted version of the Fuel Study contains proprietary information and as such should be held confidential.

Pursuant to the Commission Order No. 2005-226, “Order Requiring Designation of Confidential Materials”, issued May 6, 2005, ORS delineates in its request the material for which ORS seeks confidential treatment and files such information in a separate package clearly marked “confidential.” Additionally, pursuant to Order No. 2005-226, ORS files a redacted non-confidential version of the material.

A review of the material in question establishes that the material does provide detailed information concerning Duke Energy Carolinas' business and practices which are sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation." We find that the information for which ORS seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

Because the Commission finds that the Fuel Study of Duke Energy Carolinas filed by ORS contains competitively sensitive information and meets the definition of "trade secrets" as defined under FOIA, the Commission grants the request of ORS.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. The request of the Office of Regulatory Staff for confidential treatment is granted. Accordingly, the unredacted Fuel Study for Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC filed by the Office of Regulatory Staff shall be declared confidential and shall be afforded confidential treatment.

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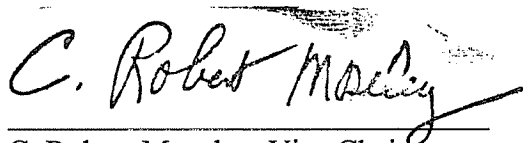
2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)